

CORRECTIONS COMMISSION MEETING
MDSP - Springfield
Gill Hall
August 14, 2007

Members Present: Representative Garry Moore, Commission Chairperson; Senator Ken Albers, Commission Vice-Chairperson; Committee Members: Senator Julie Bartling, Paul Aylward, Brad Drake, George Prest, Judge Kathleen Caldwell and Justice Steven Zinter (by phone).

Others Present: Secretary Tim Reisch; Laurie Feiler, Deputy Secretary of Corrections; Doug Weber, Director of Prison Operations; Dave Schiefen, Policy and Compliance Manager; Bob Dooley, Warden at MDSP; Ed Ligtenberg, Executive Director of the Board of Pardons and Paroles; Ted Pins, Parole Board Member; Tom Gilchrist, mental health staff at MDSP; Joni Rabenberg, DOC Mental Health Director; Dirk Lammers from the A.P., Elise Mund and Laura Muir from KDLT, Randy Dockendorf and Tara Schumacher from the Yankton Press and Dakotan, and Max Gors, Senior Staff Attorney.

Members Absent: Rep. Carol Pitts.

Agenda Item Number One: Welcome – Bob Dooley:

The meeting called to order by Rep. Moore at 10:00 AM. The people in attendance introduced themselves. Warden Dooley welcomed everyone to the MDSP. Sen. Albers asked Dooley if they ever took new inmates directly at the MDSP. Warden Dooley advised no, that all new inmates go through an orientation unit in Sioux Falls (men) or Pierre (women).

Agenda Item Number Two: Review/Approval of Minutes:

Sen. Bartling made the motion to approve the minutes from the May 1, 2007 meeting. Paul Alward seconded the motion.

Agenda Item Number Three: The Parole System – Ed Ligtenberg and Ted Pins:

(See handout) Ed Ligtenberg explained the organizational chart for Parole Services.

Ted Pins told the Commission he's been on the Parole Board for nine years. He said occasionally they have someone absent from a meeting, but attendance by Parole Board members has been very good. Pins said they have a very busy schedule when they meet. Pins

explained the board meeting process; i.e. two members will see an inmate and this process makes for a more effective review. He talked about what the Board members look at when they're holding a hearing. He talked about Robert Kulhavy, his crime, institutional record, etc. Pins said it's pretty rare they set an inmate off for a full two years. If they set an inmate up for eight months or less, it's a signal to the next hearing officers to grant parole to the inmate if they followed the board's request. Pins explained that they do about eight different types of hearings. Sen. Bartling asked if the other members get a chance to see the inmate as well. Pins said the full Board reviews all the decisions and can object if they wish. Sen. Albers asked what if the two members disagree on a decision. Pins said they've never had that happen. Rep. Moore asked if there are any old system inmates left to review. Pins said most of them are already through the system. Ed Ligtenberg said there are about 150 old system inmates left who are eligible for parole.

Rep. Moore asked if we released more inmates on the new parole system. Secretary Reisch said yes, and explained the inmate's compliance with their IPD. Reisch said a higher percentage of inmates make parole under the new system. Sen. Albers asked about those inmates who have to see the full Board. Ted Pins said the full Board sees sex offenders, violent crimes and other inmates with specific crimes. Pins went on to explain that they prefer to release an inmate to parole before discharge so they can have some supervision experience with the inmate. Rep. Moore asked Pins why the whole Board doesn't review every inmate? Pins explained the logistics of trying to get about 324 inmate hearings done among nine members in three days. Pins said they have to split up to get the work done. Pins said the Board also uses some televideo hearings to help get the work done at some of the more remote places.

Brad Drake wondered how South Dakota compared to other states, insofar as the ratio of inmates to Board members. Ted Pins thought South Dakota was unique in that we see the inmates at parole hearings a lot more often than other states do. George Prest asked if there were employment requirements for inmates who parole. Pins said they ask inmates what their job skills are. Pins said that's why Prison Industries is so important because it gives inmates a job skill. He said tuckpointing also provides a lot of job skills. Pins said the inmates must have a work plan in place when they apply for parole. The Board give inmates 30 days to find a job on the outside if they don't already have one lined up. Pins also talked about the effect of drugs on inmates and the community. Pins said DOC staff is doing a good job on hard-to-place inmates, especially with those inmates who have mental health problems. Pins thought it would be nice to have a state location place to put these hard-to-place inmates. There are some unused buildings at Yankton but acknowledged it would take a lot of money to make a project that this work.

Ed Ligtenberg showed the Commission the statewide parole districts and regions. Paul Aylward asked how much contact agents have with parolees? Ligtenberg provided this information in his handout. Ligtenberg showed the financial impact of restitution paid by parolees. Justice Zinter asked how many inmates take the offer at the dispositional hearing. Ligtenberg said a little over 83% of inmates take the offer. Justice Zinter inquired about the Board having the full info to make the final decision on a dispositional hearing. Ligtenberg said the Board has the inmate's file and all the dispositional paperwork.

Ligtenberg referenced a report from Georgia that showed for every day a parolee is employed their violation rate is reduced by 1%. Ligtenberg finished up talking about the systems approach to reducing recidivism. Sen. Albers asked if an inmate had a release (parole) date set when they first come in and how that date was determined. Ligtenberg answered in the affirmative and said that those date calculations are set in statute. Sen. Bartling asked about inmates housed out of state, specifically if they followed our standards or the other state? Ligtenberg and Feiler both said that offenders from South Dakota have to follow the South Dakota rules when housed in another state. Ted Pins explained what they look for in approving a parolee for an interstate compact.

Agenda Item Number Four: Interstate Compact Program – Ed Ligtenberg:

Ed Ligtenberg said the same standards that apply to parole also apply to the interstate compact program. Ligtenberg said the new interstate compact rules that were passed nation-wide have the full effect of federal law. Rep. Moore asked if there was a South Dakota contact person for the interstate compact program. Secretary Reisch explained this is handled by a committee made up of representatives from the legislature, judiciary and victims' advocate. Ligtenberg is the commissioner for the state of South Dakota.

Agenda Item Number Five: Security at MDSP – Bob Dooley:

Warden Dooley explained that security is measured in many different ways. The DOC has a security audit team that goes around to each facility. The security audit team reviews the facilities and looks for any potential weaknesses in security. Any deficiencies have to be addressed by the warden.

Dooley said there are walkaways once in a while from a minimum security facilities. He said an escape from this secure facility (MDSP) is the most serious measure of security. The last escape from MDSP was fourteen years ago. Dooley said good staff play a vital role in preventing escapes. He noted the classification system also plays a big part, as this ensures inmates are sent to the right facility based on their risk level. Rep. Moore asked about security cameras being installed at MDSP. Dooley said that has been done. Dooley said since the last escape a second row of chainlink fence has been added, with razor wire around the top. He said a sensor system is also in place. Paul Aylward asked if escape attempts have been tried? Dooley said no, the last previous attempted escape was prior to the last completed escape (about a year before it). Dooley provided the details of that attempted escape. Rep. Moore asked if someone went over the fence one time and was eaten up by misquotes and came back in. Dooley said that was sixteen years ago and it was David Kropenske who escaped. Dooley explained what Kropenske claims to have done.

Agenda Item Number Six: Mental Health/Rehabilitation Programs – Tom Gilchrist:

Tom Gilchrist is a mental health professional at MDSP. He advised the Committee that he's been in adult corrections since 1992. He had five years in juvenile corrections at Redfield prior to that. Gilchrist explained that mental health services are provided at SDSP, Jameson (all units), MDSP, SDWP, YTU, and the STAR Academy. RTU and RCCU don't have mental health staff on hand but MH staff works with health services to take care of any issues that come up.

Gilchrist explained how inmates access mental health services. He informed the Committee what inmates are typically looking for; i.e. meds, counseling, etc. Inmates can request assistance, staff can make a referral, or there is an emergency referral (usually this is a suicide attempt/watch). Gilchrist said emergency referrals are handled right away. Anger, depression, anxiety, grief counseling, etc. are among the services provided. Mental health staff also makes disciplinary and administrative segregation rounds. Gilchrist said isolation can increase mental health/suicide issues. He noted that mental health staff also provides staff training on suicide prevention and intervention. This happens in pre-service and in-service.

Gilchrist told the Commission that specialized programming has developed in the last five years. We are now using dual diagnosis is for inmates with mental health and chemical dependency issues. They have co-occurring groups (CD counselor and MH staff run the meetings). These inmates have to stay on their psych meds and stay away from alcohol. Gilchrist talked about release planning. He said mental health staff haven't done a very good job in the past but they are working very hard on it now. They interface with parole to help find an acceptable parole plan for SPMI inmates (severe/persistent/mentally ill).

Gilchrist talked about the special needs unit at SDSP. He explained it is for SPMI and developmentally disabled inmates. These are inmates who don't do well in the general population, as they need more structure. Gilchrist said mental health staff usually catch these inmates in intake. If they miss them in intake they'll usually stick out and be transferred over later on.

Gilchrist explained the layout of the Jameson mental health unit. He noted an intermediate program was developed to help transition inmates back to the general population. Warden Weber and his staff have been very helpful in making this a working program. Rep. Moore asked about mental health staff being involved in parole planning, specifically how many inmates use mental health staff? Gilchrist didn't know. 764 inmates are on psychotropic medications right now, according to Joni Rabenberg. Rabenberg said three percent of inmates are SPMI. George Prest asked how many mental health staff they had. Rabenberg said they have fourteen staff. Ted Pins pointed out it would be wonderful to have a facility for those people going to parole who have mental health issues.

Agenda Item Number Seven: Adult Population Summary – Laurie Feiler:

Laurie Feiler reminded the commission members that the overall adult population went down in the last fiscal year. Feiler covered the average daily counts from one year to the next. (See handout). She informed the Commission that the average daily count is about where it was two years ago.

Feiler said females tend to have more spikes in their population numbers. Feiler talked about the three pieces to parole: IPD compliance, agreement with the conditions of supervision, and an acceptable release plan. The DOC has placed an emphasis on inmates following their IPD and staff working with inmates to come up with acceptable release plans.

Feiler said new court commitments are down for both males and females. Parole releases are up an average of 13 per month this last year. Feiler tried to adjust the statistics so that CTP offenders are not double counted. Max Gors said a change in laws in 1988 reduced the adult prison population from 1400 to 1000. Feiler also discussed CD treatment. The DOC collects info on the inmate's three drugs of choice; i.e. the first is the primary drug/chemical of choice and then the other incidental drugs/chemicals being used. Ted Pins pointed out that the female population of inmates is growing twice as fast as male inmates throughout the country. South Dakota is following right in line with that.

Agenda Item Number Eight: Turnover in Correctional Staff at Adult Facilities – Doug Weber:

Doug Weber reported that the news is pretty good overall. He reiterated that the corrections' field is a tough job and staff does it well. The turnover rate is around 20% for correctional officers. The turnover rate for other staff is much lower, and a lot of that turnover is attributed to promotions. Weber said a 20% turnover is manageable and typical throughout the country. He told the Commission we have training specialists at the main facilities so we can hire and train as needed. Weber said the DOC has had no problems attracting qualified applicants in the last five years. He said about nine years ago SDSP was going through a 45% turnover rate for uniformed staff. Judge Caldwell asked what the starting rate of pay is for correctional officers. Weber said it's about \$12.75 an hour. Weber said Minnehaha County has a higher starting pay but the State has better overall benefits. Non-uniform staff has a turnover rate of about 5%. Sen. Bartling asked if the DOC shared personnel with local law enforcement? Weber said that our staff is 100% DOC but we do have some temporary positions for staff to watch inmates at the hospital, etc.

Agenda Item Number Nine: DOC Foster Care Review – Tim Reisch:

Secretary Reisch talked about the husband of a DOC foster care provider being arrested in May 2007. Reisch said the DOC took a comprehensive look at our own foster care program. Reisch explained the purpose for the foster care program. He pointed out that the DOC foster care is licensed by Department of Social Services and it's an alternative for juveniles who don't have an appropriate home to go back to.

Reisch said the DOC has not had any juveniles in that particular home since February of 2007 (the kids were removed). Reisch requested the Juvenile Corrections Monitor to do a two-part investigation of the DOC foster care program. The first part was to have John Ellis interview each of the 28 juveniles currently in the program. The second part of the review was to have Ellis interview a percentage of juveniles who were formerly in the foster care program. The first part of the review is done and the second part will be done in a couple of weeks.

Reisch said the DOC is also doing it's own internal review of the foster care program. Reisch explained how much supervisory contact goes on with the kids in the program; i.e. JCAs, foster care supervisor, DSS, etc. Reisch expects the whole review to be wrapped up in the next 3-4 weeks. He reiterated that this appears to be very much of an isolated incident. Sen. Bartling asked Reisch if he's looked at other states and what they have to offer? Reisch said he hasn't really looked into other states. He explained other options available to juveniles other than DOC foster care. Reisch wrote to each of the foster care providers and asked them for feedback on the program. The comments that came back were very heartening. The foster care providers tend to make the juveniles a part of their regular family. Sen. Albers double-checked the number of juveniles in the DOC foster care program. Reisch said 28.

Agenda Item Number Ten: Elijah Page Execution – Doug Weber:

Doug Weber told the Commission he was proud of the way the staff took the responsibility seriously and completed the first execution in South Dakota in over 60 years. Weber reminded everyone that Elijah Page gave up his appeals, even though his family and lawyer tried to talk him out of it.

Weber said SDSP staff rehearsed the execution procedures many times. Weber was pleased it went as well as it did. He talked about other states that had some difficulties, which created bigger problems for them later on. Judge Caldwell asked about the statute requiring a doctor to administer the lethal drugs. Weber pointed out that the statute does not require a doctor to administer the lethal injection.

Rep. Moore commented it was a hell of a responsibility put on the DOC and he appreciated the professionalism that staff showed before and after the execution. Rep. Moore gave a small speech about how well staff performed. He gave kudos to the policy that was prepared. He could not think of anything that was left out.

Paul Aylward asked about mental health services for staff who participated in the execution, or for just the everyday stress from the job? Weber said the state has a good benefit package that allows staff to access services needed. Weber explained the critical incident stress debriefings that take place and the availability of mental health professionals. Those who participated in the execution were required to attend the critical incident stress debriefing. Secretary Reisch pointed out the law change at the last session that took doctors out of the execution process. Policy was changed to take the doctors out, so it would match the state law. Reisch discussed the little hitch that came about with the Minnehaha County Coroner. It didn't turn out to be an issue at all.

Agenda Item Number Eleven: Date and location of the next meeting.

October 15-16 at the STAR Academy. Moore asked Schiefen to send these dates out to all members and see how it fits in with their calendar. He would like all members at the STAR Academy if possible.

Issues for Future Meetings:

Update on the Rapid City project – adult

Wildland Fire and Inmates – Adult

Legislation – probably adult.

How religious programs are being provided within the facilities – Adult and Juvenile

Reisch provided a plaque to Max Gors for his service on the Corrections Commission. Moore also praised Max for all the help he provided over the years in his career.

Prest moved to adjourn. Second by Bartling. Meeting adjourned.

We'll meet again in December, the day before the budget address.